

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-00411-BAH**

ASIAN AMERICANS ADVANCING JUSTICE – LOS
ANGELES v. UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICE

Assigned to: Chief Judge Beryl A. Howell

Cases: 1:19-cv-02572-BAH

1:19-cv-02573-BAH

Cause: 05:552 Freedom of Information Act

Plaintiff

**ASIAN AMERICANS ADVANCING
JUSTICE – LOS ANGELES**

Date Filed: 02/18/2019

Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

represented by **Christopher Lapinig**
ASIAN AMERICANS ADVANCING
JUSTICE LOS ANGELES
1145 Wilshire Blvd.
Los Angeles, CA 90017
(888) 349-9695
Email: clapinig@advancingjustice-la.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

John C. Trang
ASIAN AMERICANS ADVANCING
JUSTICE LOS ANGELES
1145 Wilshire Blvd.
Los Angeles, CA 90017
(213) 241-0225
Email: jtrang@advancingjustice-la.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Laboni Hoq
ASMAR, SCHOR & MCKENNA, PLLC
5335 Wisconsin Avenue, NW
Suite 400
Washington, DC 20015
(213) 977-5211
Email: lhoq@advancingjustice-la.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

David Sherman Cohen
MILBANK LLP
1850 K Street, NW
Suite 1100
Washington, DC 20006
(202) 835-7517
Fax: (202) 263-7517
Email: dcohen2@milbank.com
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES CITIZENSHIP
AND IMMIGRATION SERVICE**

represented by **William Mark Nebeker**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530

(202) 252-2536
Fax: (202) 252-2599
Email: mark.nebeker@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joshua L. Rogers
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2578
Fax: (202) 252-2599
Email: joshua.rogers3@usdoj.gov
TERMINATED: 07/15/2019

Defendant

**UNITED STATES DEPARTMENT
OF HOMELAND SECURITY**
19-cv-02572

represented by **William Mark Nebeker**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES IMMIGRATION &
CUSTOMS ENFORCEMENT**
19-cv-02573

represented by **William Mark Nebeker**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/18/2019	<u>1</u>	COMPLAINT against UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE (Filing fee \$ 400 receipt number 0090-5952769) filed by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Attachments: # <u>1</u> Exhibit EXHIBIT A, # <u>2</u> Exhibit EXHIBIT B, # <u>3</u> Exhibit EXHIBIT C, # <u>4</u> Exhibit EXHIBIT D)(Cohen, David) (Entered: 02/18/2019)
02/18/2019	<u>2</u>	REQUEST FOR SUMMONS TO ISSUE filed by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Attachments: # <u>1</u> Summons Summons USCIS, # <u>2</u> Summons Summons USA)(Cohen, David) (Entered: 02/18/2019)
02/19/2019		Case Assigned to Chief Judge Beryl A. Howell. (zef) (Entered: 02/19/2019)
02/19/2019	<u>3</u>	CIVIL COVER SHEET by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES filed by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES.(Cohen, David) (Entered: 02/19/2019)
02/19/2019		SUMMONS Not Issued as to UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE. (zef) (Entered: 02/19/2019)
02/19/2019	<u>4</u>	REQUEST FOR SUMMONS TO ISSUE filed by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES.(Cohen, David) (Entered: 02/19/2019)
02/19/2019	<u>5</u>	SUMMONS (3) Issued Electronically as to UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef,) (Entered: 02/19/2019)
02/19/2019	<u>6</u>	STANDING ORDER. Signed by Chief Judge Beryl A. Howell on February 19, 2019. (lcbah1) (Entered: 02/19/2019)
03/18/2019	<u>7</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Christopher Lapinig, :Firm– Asia Americans Advancing Justice Los Angeles, :Address– 1145 Wilshire Blvd, Los Angeles, CA 90017. Phone No. – 1-888-349-9695. Filing fee \$ 100, receipt number 0090-6007513. Fee Status: Fee Paid. by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES (Attachments: # <u>1</u> Declaration)(Cohen, David) (Entered: 03/18/2019)

03/18/2019	<u>8</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– John Trang, :Firm– Asia Americans Advancing Justice Los Angeles, :Address– 1145 Wilshire Blvd, Los Angeles, CA 90017. Phone No. – 213–241–0225. Filing fee \$ 100, receipt number 0090–6007525. Fee Status: Fee Paid. by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES (Attachments: # <u>1</u> Declaration)(Cohen, David) (Entered: 03/18/2019)
03/18/2019	<u>9</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Laboni Hoq, :Firm– Asia Americans Advancing Justice Los Angeles, :Address– 1145 Wilshire Blvd, Los Angeles, CA 90017. Phone No. – 213–977–5211. Filing fee \$ 100, receipt number 0090–6007527. Fee Status: Fee Paid. by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES (Attachments: # <u>1</u> Declaration)(Cohen, David) (Entered: 03/18/2019)
03/19/2019		MINUTE ORDER (paperless) GRANTING the plaintiff's <u>7</u> Motion for Admission <i>Pro Hac Vice</i> , <u>8</u> Motion for Admission <i>Pro Hac Vice</i> , and <u>9</u> Motion for Admission <i>Pro Hac Vice</i> . Mr. Lapinig, Mr. Trang and Ms. Hoq may enter an appearance <i>pro hac vice</i> for the purpose of representing the plaintiff in this action. Signed by Chief Judge Beryl A. Howell on March 19, 2019. (lcbah1) (Entered: 03/19/2019)
03/22/2019	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/6/2019. Answer due for ALL FEDERAL DEFENDANTS by 4/5/2019. (Cohen, David) (Entered: 03/22/2019)
03/22/2019	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE served on 2/25/2019 (Cohen, David) (Entered: 03/22/2019)
03/22/2019	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 2/25/2019. (Cohen, David) (Entered: 03/22/2019)
04/17/2019		DISCHARGED PURSUANT TO MINUTE ORDER ENTERED ON 4/24/2019.....MINUTE ORDER (paperless) DIRECTING the plaintiff TO SHOW CAUSE, by April 29, 2019, why this action should not be dismissed for failure to prosecute pursuant to Local Civil Rule 83.23. The <u>1</u> Complaint was filed on February 18, 2019 and the defendants were served copies of the summons and complaint on February 25, 2019 and March 6, 2019, respectively. <i>See</i> <u>10</u> Return of Service/Affidavit, <u>11</u> Return of Service/Affidavit, and <u>12</u> Return of Service/Affidavit. No answer or other response has been timely filed, <i>see</i> 5 U.S.C. § 552(a)(4)(C), and no other action taken in the case. Signed by Chief Judge Beryl A. Howell on April 17, 2019. (lcbah1) Modified on 4/25/2019 (hmc). (Entered: 04/17/2019)
04/17/2019		Set/Reset Deadlines: Response to Show Cause due by 4/29/2019. (tg) (Entered: 04/17/2019)
04/23/2019	<u>13</u>	NOTICE (<i>Agreement And Resolution</i>) by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE (Nebeker, William) (Entered: 04/23/2019)
04/24/2019		MINUTE ORDER (paperless) DISCHARGING, upon consideration of the parties' <u>13</u> Agreement and Resolution, the Court's April 17, 2019 Order to Show Cause and EXTENDING, upon consideration of the defendant's agreement to waive any defense of insufficient service of process, <i>see</i> <u>13</u> Agreement and Resolution, the defendant's deadline to answer the plaintiff's <u>1</u> Complaint until May 6, 2019. The parties are reminded that "[a] request for a court order must be made by motion." <i>see</i> Fed. R. Civ. P. 7(b). Signed by Chief Judge Beryl A. Howell on April 24, 2019. (lcbah1) (Entered: 04/24/2019)
04/25/2019		Set/Reset Deadlines: Defendant's Answer to Plaintiff's Complaint due by 5/6/2019. (hmc) (Entered: 04/25/2019)
05/06/2019	<u>14</u>	ANSWER to Complaint by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE.(Nebeker, William) (Entered: 05/06/2019)
05/20/2019	<u>15</u>	Joint STATUS REPORT by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE. (Nebeker, William) (Entered: 05/20/2019)

05/21/2019		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>15</u> Joint Status Report, the parties to submit, by May 28, 2019, a Joint Meet and Confer Report consistent with the <u>6</u> Standing Order, paragraph 3. Signed by Chief Judge Beryl A. Howell on May 21, 2019. (lcbah1) (Entered: 05/21/2019)
05/21/2019		Set/Reset Deadlines: Joint Meet & Confer Statement due by 5/28/2019. (tg) (Entered: 05/21/2019)
05/28/2019	<u>16</u>	Joint STATUS REPORT by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Cohen, David) (Entered: 05/28/2019)
05/30/2019		<p>MINUTE ORDER (paperless) ISSUING, upon consideration of the parties' <u>16</u> Joint Status Report ("JSR") and apparent inability to confer effectively on a joint proposed schedule, the following SCHEDULING ORDER:</p> <p>(1) by June 6, 2019, the defendant shall provide the plaintiff with: (a) the information identified in JSR ¶¶ 8(a), (c) and (d) regarding "two previous FOIA requests (by unidentified parties)," JSR ¶ 7; and (b) an estimate of when documents responsive to the "two previous FOIA requests" referenced in JSR ¶¶ 7, 16TM8 and proposed to be substituted for plaintiff's requests (a)(2) (18), would be produced;</p> <p>(2) by June 13, 2019, the parties shall file a joint status report indicating whether they have reached an agreement: (a) to substitute the two previous FOIA requests referenced in JSR ¶¶ 7, 16TM8 for plaintiff's requests (a)(2) (18); (b) on a timeline for the production of records responsive to plaintiff's requests (a)(1) and (b)(1) (7); and (c) on a proposed scheduling order that reflects the parties' agreement, or, if no agreement has been reached, an explanation for the perceived deficiencies in the opposing party's proposed schedule;</p> <p>(3) if the parties do not reach an agreement for the production of records responsive to the plaintiff's FOIA requests, the parties shall file a joint status report, by July 1, 2019 and every 30 days thereafter, detailing the status of the defendant's search for, and processing of, responsive records so that the Court may ensure expeditious resolution of this matter. Those status reports must include: (a) identification of the search terms used to identify responsive records, as well as the components and records custodians within USCIS subject to the search; (b) the number of responsive records for which processing is completed; (c) the estimated number of responsive records still being processed; (d) the number of responsive records being processed each month; and (e) the estimated date, based on the monthly processing rate, when the processing and production of responsive records to the plaintiff will be completed.</p> <p>Signed by Chief Judge Beryl A. Howell on May 30, 2019. (lcbah1) (Entered: 05/30/2019)</p>
05/30/2019		Set/Reset Deadlines: Defendant's submission to plaintiff due by 6/6/2019; Joint Status Report due by 6/13/2019; Joint Status Report due by 7/1/2019, and every 30 days thereafter, if the parties do not reach an agreement for the production of records responsive to plaintiff's FOIA requests. (tg) (Entered: 05/30/2019)
06/13/2019	<u>17</u>	NOTICE of Appearance by Joshua L. Rogers on behalf of All Defendants (Rogers, Joshua) (Entered: 06/13/2019)
06/13/2019	<u>18</u>	Joint STATUS REPORT by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Cohen, David) (Entered: 06/13/2019)
07/01/2019	<u>19</u>	ENTERED IN ERROR.....Joint STATUS REPORT by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Attachments: # <u>1</u> Exhibit A)(Cohen, David) Modified on 7/3/2019 (znmw). (Entered: 07/01/2019)
07/02/2019	<u>20</u>	ERRATA by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES <u>19</u> Status Report filed by ASIAN AMERICANS ADVANCING JUSTICE – LOS

		ANGELES. (Cohen, David) (Entered: 07/02/2019)
07/02/2019	<u>21</u>	Amended STATUS REPORT by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Attachments: # <u>1</u> Exhibit A)(Cohen, David) (Entered: 07/02/2019)
07/02/2019		NOTICE OF HEARING. The parties shall take notice that a Status Hearing is scheduled for 7/9/2019, at 9:30 AM in Courtroom 22A before Chief Judge Beryl A. Howell. (tg) (Entered: 07/02/2019)
07/03/2019		NOTICE OF CORRECTED DOCKET ENTRY: Docket Entry <u>19</u> Status Report was entered in error and was refiled by counsel as Docket Entry <u>21</u> Status Report. (znmw) (Entered: 07/03/2019)
07/09/2019		Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Status Conference held on 7/9/2019. (Order forthcoming). (Court Reporter: Elizabeth Saint-Loth.) (tg) (Entered: 07/09/2019)
07/09/2019		MINUTE ORDER (paperless) ISSUING, upon consideration of the record in this case and the proceedings held on July 9, 2019, the following SCHEDULING ORDER: (1) by July 10, 2019 at 4 P.M., the parties shall complete any consultation needed for the defendant to search for records responsive to part (b) of the plaintiff's FOIA request; (2) by August 8, 2019, the defendant shall complete its search of each of the ten offices identified in the <u>21</u> Joint Status Report at 10 for records responsive to parts (a) and (b) of the plaintiff's FOIA request and the parties shall file a joint status report with: (A) the total number of records returned from the defendant's search of each office; (B) the number of records that the defendant will process each month; (C) the estimated date, based on the monthly processing rate, when rolling production of responsive records will begin and end; and (D) a proposed schedule for further proceedings. Signed by Chief Judge Beryl A. Howell on July 9, 2019. (lcbah1) (Entered: 07/09/2019)
07/09/2019		Set/Reset Deadlines: The parties shall complete any consultation needed for the defendant to search for records responsive to part (b) of the plaintiff's FOIA request by 7/10/2019. Joint Status Report due by 8/8/2019. (tg) (Entered: 07/09/2019)
07/15/2019	<u>22</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE. Attorney Joshua L. Rogers terminated. (Rogers, Joshua) (Entered: 07/15/2019)
08/08/2019	<u>23</u>	Joint STATUS REPORT by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L)(Cohen, David) (Entered: 08/08/2019)
08/12/2019		<p>MINUTE ORDER (paperless) ISSUING, upon consideration of the parties' <u>23</u> Joint Status Report, which indicates that a large volume of pages of potentially responsive records have been identified, amounting to a group of between 28,000 and 37,500 pages and a second group of between 5,946,820 to 11,893,640 pages, the following SCHEDULING ORDER: (1) by September 13, 2019, the defendant shall make a first production of responsive records to the plaintiff; and (2) modifying the SCHEDULING ORDER entered on May 30, 2019, and directing the parties to file a joint status report by September 18, 2019, and every 30 days thereafter, detailing the status of the defendant's search for, and processing of, responsive records so that the Court may ensure expeditious resolution of this matter. Those joint status reports must include:</p> <p>(a) identification of the search terms used to identify responsive records, as well as the components and records custodians within USCIS subject to the search;</p> <p>(b) the number of responsive records for which processing is completed;</p> <p>(c) the estimated number of responsive records still being processed;</p> <p>(d) the number of responsive records being processed each month;</p> <p>(e) the estimated date, based on the monthly processing rate, when the processing and production of responsive records to the plaintiff will be completed; and</p>

		<p>(f) a full explanation from the defendant for any failure to address any of the items (a)–(e) above.</p> <p>Signed by Chief Judge Beryl A. Howell on August 12, 2019. (lcbah4) (Entered: 08/12/2019)</p>
08/12/2019		<p>Set/Reset Deadlines: Defendant's first production of responsive records to the plaintiff due by 9/13/2019; Joint Status Report due by 9/18/2019, and every 30 days thereafter. (tg) (Entered: 08/12/2019)</p>
08/27/2019	<u>24</u>	<p>NOTICE OF RELATED CASE by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. Case related to Case No. 1:19–cv–02572, 1:19–cv–02573. (Cohen, David) (Entered: 08/27/2019)</p>
09/18/2019	<u>25</u>	<p>Joint STATUS REPORT by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit Defendant H)(Cohen, David) (Entered: 09/18/2019)</p>
09/19/2019	<u>26</u>	<p>NOTICE by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE re <u>25</u> Status Report, (Nebeker, William) (Entered: 09/19/2019)</p>
09/26/2019		<p>MINUTE ORDER (paperless) DIRECTING the defendant to show cause, by October 4, 2019, why this case should not be consolidated with 19–cv–2572 and 19–cv–2573 pursuant to Federal Rule of Civil Procedure 42. Signed by Chief Judge Beryl A. Howell on September 26, 2019. (lcbah1) (Entered: 09/26/2019)</p>
09/27/2019		<p>Set/Reset Deadlines: Defendant's response to show cause due by 10/4/2019. (tg) (Entered: 09/27/2019)</p>
10/04/2019	<u>27</u>	<p>RESPONSE TO ORDER TO SHOW CAUSE by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE . (Nebeker, William) (Entered: 10/04/2019)</p>
10/07/2019		<p>MINUTE ORDER (paperless) CONSOLIDATING, upon consideration of defendant's <u>27</u> Notice, this case, Civil Case No. 19–411, with <i>Asian Americans Advancing Justice – Los Angeles v. United States Department of Homeland Security</i>, Civil Case No. 19–2572, and with <i>Asian Americans Advancing Justice – Los Angeles v. United States Immigration & Customs Enforcement</i>, Civil Case No. 19–2573, for all purposes. <i>See</i> Local Civil Rule 40.5 and Federal Rule of Civil Procedure 42. The parties are directed that all filings in these consolidated cases should be made only in Case No. 19–411. The Clerk shall close Case No. 19–2572 and Case No. 19–2573 and transfer whatever parties are not identical to Case No. 19–411. Signed by Chief Judge Beryl A. Howell on October 7, 2019. (lcbah1) (Entered: 10/07/2019)</p>
10/07/2019		<p>CASE CONSOLIDATED. Case 19–2572 and Case No. 19–2573 ; have been consolidated with 19–411 pursuant to a MINUTE ORDER entered 10/07/2019. From this date forward all pleadings shall be filed ONLY in Civil Action No. 19–411. The parties are advised NOT to elect to SPREAD text when filing in ECF, as this will result in repetitive docketing and emails (Johnson, Reginald) (Entered: 10/07/2019)</p>
10/09/2019	<u>28</u>	<p>TRANSCRIPT OF PROCEEDINGS, before Chief Judge Beryl A. Howell, held on 07–09–2019. Page Numbers: 1 – 15. Date of Issuance: 10–09–2019. Court Reporter: Elizabeth SaintLoth; Telephone number: 202–354–3242. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced a bove. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p>

		Redaction Request due 10/30/2019. Redacted Transcript Deadline set for 11/9/2019. Release of Transcript Restriction set for 1/7/2020.(Saint-Loth, Elizabeth) (Entered: 10/09/2019)
--	--	--